

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: UTO et al
Serial No.: 10/536,715
Filed: May 27, 2005
For: Defects Inspecting Apparatus And Defects Inspection Method
Art Unit: 2886
Examiner: M. Stafira
Conf. No.: 4690

RESPONSE

Mail Stop: Response (Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 12, 2008

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated December 14, 2007.

The requirement for election of a single disclosed species, identified by the Examiner as (A) Species of Fig. 7a - claims 1 - 19, 24 - 25 directed to detections optic system with upper-directed photo detector and side-directed detection optic system; (B) Species of Fig. 10b - claim 20 directed to detection optic systems with plural number of optical fibers; and (C) Species of Fig. 13 - claims 21 - 23, 26 directed to detecting optic system with plural number of illumination spots; applicants elect the Species of Fig. 7a with claims 1 - 19, 24 - 25, as indicated by the Examiner, readable thereon, for further prosecution in this application at this time.

The Examiner has indicated that "Currently, claims 1 - 19, 24 - 25 are generic" (emphasis added), and as recognized by the Examiner, upon allowance of a generic claim, claims directed to additional species will be considered. Thus, as recognized by the Examiner, all of the claims under consideration are generic claims.

For the foregoing reasons, favorable action with respect to generic claims 1 - 19 and 24 - 25 are requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 520.45100X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Melvin Kraus/ M/C
Melvin Kraus
Registration No. 22,466

MK/jla
(703) 312-6600